UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,269	10/20/2003	Shalong Maa		3782

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MAA, SHALONG
P.O. BOX 600118
DALLAS, TX 75360-0118

EXAMINER
BELOUSOV, ANDREY

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/688,269	MAA, SHALONG
	Examiner	Art Unit	
	Andrew Belousov	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *March 30, 2007.*

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *61-63,68 and 81-89* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *61-63, 68,81-89* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the filing of March 30, 2007. Claims 1-60, 64-67 and

69-80 have been canceled. Claims 61-63, 68 and 81-89 are pending and have been

considered below.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

3.   Claims 61, 68 and 81-89 are rejected under 35 U.S.C. 102(b) as being

anticipated by DeLeeuw (6,353,450.)

Claim 61, 82: DeLeeuw a multi-purpose personal computer (2:53-55) system

comprising:

a. a processor for executing a computer processing instruction system having a

window-based operating system including a network connection system

(processor: Fig. 3: 102; window-based OS: 5:39-47; network connection system

(of processors, bridges, memory, peripherals, etc., i.e. bus network): Fig. 3: 102,

105, 104, 106, 108, 118, 120, etc.);

b. a network connection device coupled to said processor for facilitating

communication, under the control of said network connection system, with an

electronic network (network connection device: bus master device is inherent to

control the flow of information on the system as disclosed (particularly one

utilizing a Pentium Pro processor (6:56-67) on inherently compatible

motherboard) in Fig. 3); and

c. a display device (Fig. 3, 116) coupled to said processor for displaying, under the

control of said computer processing instruction system, a computer display

including a default desktop display (Fig. 1; 2:53-3:3);

d. said desktop display having a live component (Fig. 2: 22) for presenting on said

desktop display live information (Fig. 2: 22, stock quotes) received from a remote

computer through said electronic network (12:42-53: Internet Server);

e. said live component being constantly situated on said desktop display after said

desktop display be properly set up as desired by a user, and being displayed to

the user whenever said desktop display is displayed to the user (2:53-3:3);

f. said live information being represented by live information data received from

said remote computer (Fig. 1; 12:42-53: Internet Server), said live information

data including textual data (Fig. 2, 22) pertaining to textual, logical, or numerical

description (Fig. 2: 22, stock price) of a live or recently occurred event (e.g.

change in stock price.)

Claim 68, 83: DeLeeuw discloses the computer system as set forth in Claim 61,

wherein said computer processing instruction system includes an application program

component (application: Fig. 10: 502), said application program's display content being

included and contained within a window, wherein said window includes a finite-size

mode in which said window and said display content are displayed within a display area

that is smaller than said display device's entire display area, and wherein at least a

portion of said window appears visually transparent to the user (5:65-6:20.)

Claim 81: DeLeeuw discloses the computer system as set forth in Claim 61, wherein

said live information pertains to stock quote (Fig. 2: 22.)

Claim 82: DeLeeuw discloses a computer readable medium (Fig. 3: 104, 112, 120)

storing a computer processing instruction system (Fig. 3: 102, 104, 112, 120) adopted

for use in a multi-purpose computer system (2:53-3:3), said multi-purpose computer

system including a processor (Fig. 3: 102) for processing said computer processing

instruction system, a network connection device (network connection device: bus

master device is inherent to control the flow of information on the system as disclosed

(particularly one utilizing a Pentium Pro processor (6:56-67) on inherently compatible

motherboard) in Fig. 3) coupled to said processor, and a display device (Fig. 3: 116)

coupled to said processor, said computer processing instruction system including:

    a. a network connection component for instructing said network connection device

        to facilitate communication between said computer system and an electronic

        network (network connection device: bus master device is inherent to control the

        flow of information on the system as disclosed (particularly one utilizing a

Pentium Pro processor (6:56-67) on inherently compatible motherboard) in Fig.

3);

b. a desktop-display component (Fig. 4: 114, 202, 204, 206, 208, 210) for causing a

default desktop display to be displayed on said display device;

c. said default desktop display including a live component (Fig. 2: 22) for presenting

on said default desktop (Fig. 1) display live information (Fig. 2: 22, stock quotes);

and

d. a live-information-display-component (Fig. 10: 502) for causing said live

component to be constantly situated on said default desktop display, as desired

by a user, and be displayed to the user whenever said default desktop display is

displayed to the user;

e. said live information being represented by live information data received from a

remote computer (12:42-53: Internet Server) through said electronic network,

said live information data comprising textual data (Fig. 2: 22) pertaining to

textual, logical, or numerical description (Fig. 2: 22, stock price) of a live or

recently occurred event (e.g. change in stock price.)

Claim 84: <u>DeLeeuw</u> discloses the computer readable medium as set forth in Claim 82,

wherein said live-information-display component (Fig. 10: 502) is a component of said

computer processing instruction system or a subcomponent of said desktop-display

component (Fig. 3: 114, 116.)

Claim 85: DeLeeuw discloses the computer readable medium as set forth in Claim 82, wherein said multi-purpose computer system is a multi-purpose home computer (PC, 2:53-55.)

Claim 86: DeLeeuw discloses the computer readable medium as set forth in Claim 82, wherein said multi-purpose computer system is a multi-purpose personal laptop computer (PC, includes desktops as well as laptops (2:53-55.))

Claim 87: DeLeeuw discloses the computer readable medium as set forth in Claim 82, wherein said multi-purpose computer system (2:53-55) is to be used by the user for a variety of purposes, including sending emails and reading emails received. However, no patentable weight is given to the type of activity being performed on the multi-purpose computer system. Thus, it is inherent that the DeLeeuw's computer could be used by the user for many activities, including sending emails and reading emails received.

Claim 88: DeLeeuw discloses a computer readable medium (Fig. 3: 104, 112, 120) storing a computer processing instruction system (Fig. 3: 102, 104, 112, 120) adapted for use in a computer system, said computer system including a processor (Fig. 3: 102) for processing said computer processing instruction system, and a display device (Fig. 3: 116) coupled to said processor, said computer processing instruction system including:

   a. a display component (Fig. 4: 114, 202, 204, 206, 208, 210) for causing a display content (Fig. 2: 22) associated with an application program component (Fig. 10: 502) or a command component of said computer processing instruction system to be displayed within a window on said display device;

   b. wherein at least a portion of said window appears visually transparent to a user (5:65-6:20);

   c. said window having a finite-size mode in which said window and said display content displayed within a display area on said display device that is smaller than said display device's entire display area (5:65-6:20.)

Claim 89: <u>DeLeeuw</u> discloses the computer readable medium as set forth in Claim 88, wherein said computer system further includes a network connection device (network connection device: bus master device is inherent to control the flow of information on the system as disclosed (particularly one utilizing a Pentium Pro processor (6:56-67) on inherently compatible motherboard) in Fig. 3) coupled to said processor, and wherein said computer processing instruction system further includes:

   a. a network connection component (network connection device: bus master device is inherent to control the flow of information on the system as disclosed (particularly one utilizing a Pentium Pro processor (6:56-67) on inherently compatible motherboard) in Fig. 3) for instructing said network connection device to facilitate communication between said computer system and an electronic network; and

b. a desktop-display component (Fig. 4: 114, 202, 204, 206, 208, 210) for causing a default desktop display to be displayed on said display device;

c. said default desktop display including a live component (Fig. 2: 22) for presenting live information (Fig. 2: 22, stock quotes) on said default desktop display;

d. said desktop-display component including a live-information-display component (Fig. 10: 502) for causing said live component to be constantly situated on said default desktop display, as desired by the user, and be displayed to the user whenever said default desktop display is displayed to the user;

e. said live information being represented by live information data received from a remote computer (12:42-53: Internet Server) through said electronic network, said live information data including textual data (Fig. 2: 22) pertaining to textual, logical, or numerical description (Fig. 2: 22, stock price) of a live or recently occurred event (e.g. change in stock price.)

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLeeuw.

Claim 62: <u>DeLeeuw</u> discloses the computer system as set forth in Claim 61. However,

no patentable weight is given to what kind of live information is displayed from an

Internet Server (12:43-53) and that it would have been obvious to one having ordinary

skill in the art at the time the invention was made that the live information displayed

would pertain to a live news report. One would have been motivated to display live

information pertaining to live news report because news reports are notoriously

ubiquitous form of live information available.

6.   Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over

<u>DeLeeuw</u>, in view of <u>Rathbone</u> (Windows® XP for Dummies®; Microsoft® Outlook®.)

Claim 63: <u>DeLeeuw</u> discloses the computer system as set forth in Claim 61. However,

<u>DeLeeuw</u> does not explicitly disclose wherein said live information pertains to number of

emails received. <u>Rathbone</u> discloses a similar application and system wherein live

information pertains to the number of emails received (unread, page 234, Figure 12-9.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to display the number of emails received (unread) by combining

the disclosure in <u>DeLeeuw</u> with Microsoft Outlook splash screen (page 234) in the

manner suggested in <u>DeLeeuw</u> (12:43-51; "Referring back to FIG. 10, application

program 502 may be designed to provide any desired functionality for a user." "The

application program may interact with other application programs (not shown) and the

operating system software (not shown) being executed by the processor of the

computer system.") One would have been motivated to combine the references based on the explicit suggestion in <u>DeLeeuw</u> so as to provide to the user with an often requested for information (number of emails received.)

Response to Arguments

7.   Applicant's arguments filed March 30, 2007 have been fully considered but they are not persuasive.

Argument 18.1: Applicant's arguments with respect to Claims 61 and 74 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by Applicant's amendment of Claims 61 and 74.

Argument 18.3: Applicant's arguments with respect to Claims 68, 69 and 78 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by Applicant's amendment and rewriting of Claims 68, 69 and 78.

Argument 19.4: Applicant's arguments with respect to Claims 68, 73, 77 and 78 have been considered but are moot in view of the new ground(s) of rejection, as necessitated by Applicant's amendment and rewriting of Claims 68, 73, 77 and 78. Tangentially, the Examiner also referred to column 2, lines 53-60 in the Office Action, in rejecting said Claims.

Argument 21: Applicant's arguments with respect to Claims 62 and 63 have been

considered but are moot in view of the new ground(s) of rejection, as necessitated by

Applicant's amendment of Claim 61.

Argument 22: Applicant's arguments with respect to Claim 63 have been considered

but they are not persuasive. In response to applicant's argument that the references fail

to show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., Outlook Express splash screen being a "component of a desktop

display," i.e. integrated as one) are not recited in the rejected Claims. Instead, Claim 61

as rejected pertains to a "desktop display *having* a live component (Outlook Express

splash screen) ... constantly *displayed* ("situated" as amended) on said desktop

display" in much the same fashion as any application window is displayed on top of the

desktop (emphasis added.)

Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Argument 23: In response to applicant's argument that the references fail to show

certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., news report requiring "a full TV camera crews and full live news

casting team," paragraph 23) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.

Cir. 1993).

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew Belousov whose telephone number is (571)

270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB
April 18, 2007

James W. Myhre
Supervisory Primary Examiner